

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-20271-CR-LEIBOWITZ

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRETT BLACKMAN and
GARY COX,

Defendants.

OMNIBUS ORDER ON ORE TENUS MOTIONS

On May 14-15, 2025, the Court held hearings on Defendant Brett Blackman's (1) *Ore Tenus* Motion to Determine Conflict of Interest and Allow Counsel to Withdraw, (2) *Ore Tenus* Motion for Temporary CJA Representation, and (3) *Ore Tenus* Motion for Mistrial. Also, on May 15, 2025, the Court heard (4) Defendant Gary Cox's *Ore Tenus* Motion for Mistrial and/or to Continue Trial.

Being fully advised, having heard the arguments of counsel, and for the reasons stated on the record on May 14-15, 2025, it was **ORDERED AND ADJUDGED** as follows:

1. Defendant Brett Blackman's *Ore Tenus* Motion to Determine Conflict of Interest and Allow Counsel to Withdraw was **GRANTED**. Mr. Rafferty's explanation concerning an apparent or potential conflict of interest regarding his representation of Defendant Blackman (that was recognized by Mr. Rafferty only after trial had commenced) was the

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subject of inquiry by the Court and, after colloquy with Defendant Blackman, the Court concluded that Defendant Blackman knowingly and intelligently waived his right to his initial counsel of choice (Mr. Rafferty) in favor of seeking new, conflict-free counsel to represent him at trial.

2. To assist Defendant Blackman and the Court in the above colloquy, Defendant Blackman's *Ore Tenus* Motion for Temporary CJA Representation was **GRANTED**. Attorney Jenny Wilson, Esq., was temporarily appointed as CJA counsel to represent and assist Defendant Blackman during the hearing held on May 15, 2025.
3. After Defendant Blackman obtains new counsel and Mr. Rafferty assists in transitioning his files to new counsel, Mr. Rafferty will be permitted to withdraw from representing Defendant Blackman.
4. Defendant Brett Blackman's *Ore Tenus* Motion for Mistrial was **GRANTED** to allow Defendant Blackman to secure new, conflict-free counsel and prepare to represent him at trial. For this purpose, a status conference was scheduled on June 27, 2025, at 10:00 a.m., and time was excluded without objection under the Speedy Trial Act until the June 27 conference date. See 18 U.S.C. § 3161(h)(7).

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5. Defendant Gary Cox's *Ore Tenus* Motion for Mistrial and/or to Continue Trial was **DENIED**. Jury Trial as to Defendant Cox will continue as scheduled on Monday, May 19, 2025, and thereafter.

To the extent the Court made additional or more detailed rulings on the record at the hearings that are not memorialized in this written Order, those rulings are binding on the parties as set forth on the record.

DONE AND ORDERED in the Southern District of Florida on May 16, 2025.



DAVID S. LEIBOWITZ
UNITED STATES DISTRICT JUDGE

cc: counsel of record